IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Dated: Nainital: The 7th day of October 2005
Bail Application No. 896 of 2005
Order on the bail application of accused

CRIMINAL SIDE

Sukha @ Irshad S/o Mushtak
R/o Village Budahedi
P.S. Patti
District Haridwar ….Applicant

Versus

State of Uttaranchal ..Opposite Party

Arising out of Case of Crime No. 22 of 2005
Under Section 302/34 of I.P.C.
P.S. Pathri
District Haridwar

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in Case Crime No. 22 of 2005 under Section 302/34 of I.P.C. Pathri, District Haridwar.

Heard Sri Navneet Kaushik, learned counsel for the applicant learned A.G.A. and perused the record.

The learned counsel for the applicant has argued that no specific role has been assigned to the applicant in First Information report. He has also stated that in the statement of the witnesses recorded under Section 161 Cr. PC, it is not clear as to who caused firearm wound on the person of the deceased.

I failed to appreciate the arguments advanced by the learned counsel for the applicant.

The statement of the witnesses recorded under Section 161 Cr.P.C. clearly show that a specific role has been attributed to the applicant. There is a firearm wound on the person of the deceased.

Having considered the aforesaid facts and circumstances of the case and the specific role assigned to the applicant I do not find any ground to enlarge the applicant on bail at this stage.

(B.C. Kandpal, J.)

7.10.2005